Civil Society and Governance in Canada
Challenges, Opportunities, & the Case for Cross-Sectoral Collaboration

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Introduction

Civil society is evolving. The rise of populism, a declining trust in governments, the changing role of (and trust in) media as a neutral, fact-based intermediary, and the impact of technologies and globalization on both organizational form and engagement (within and across sectors) have all influenced the traditional governance arrangements of civil society. Yet citizens tend to have more trust in civil society than they do in governments. Trends suggest that the role of civil society in Canada will continue to develop, bringing into question what the future challenges and opportunities are for this sector and for cross-sectoral collaboration in what is an increasingly more complex world.

Civil society is a reflection, and voice, of society's wants, needs, priority issues and concerns. Civil society has the ability to both disrupt and bring together. Increasingly, its role includes the production and distribution of public services and goods that were traditionally regarded as within the exclusive purview of governments.

For governments, effectively anticipating and responding to the diversity and complexity of civil society in Canada, and the changes that are occurring in that sector, will be critical to understanding the issues important to Canadians and developing policies and programs to address them. Governments are increasingly recognizing the importance of moving beyond 'consultation' to more effectively engaging with civil society on aspects of policy, service delivery, data gathering, and more. To make this transition to a more effective, engaged and collaborative approach, governments need to gain insight into the different clusters of interests, capacities, forms and drivers that make up Canadian civil society.

Thus, the Institute on Governance (IOG) seeks to explore three main questions:

1. What do we mean by the term 'civil society', and why does the term and its role matter?
2. What are the main drivers impacting civil society and governance?
3. What are the challenges and opportunities to strengthening cross-collaboration in civil society?

What is Civil Society and How is it Changing?

Civil society - also referred to as the "third sector" alongside the public (government) and private sectors – has traditionally been understood as organizations with social mandates that operate in the pursuit of a public interest. The World Bank defines the term as:

> the wide array of non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations. Civil Society Organizations (CSOs) therefore refer to a wide of array of organizations: community groups, non-governmental organizations (NGOs), labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations.[1]

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[1] World Bank (2013), emphasis theirs: Defining Civil Society, available here:
http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/CSO/0,,contentMDK:20101499~menuPK:244752~pagePK:220503~piPK:

In recent decades, civil society organizations (CSOs) started to fill in some of the policy and program areas traditionally associated with the role of government. Particularly in developing countries, CSOs have played prominent roles in the delivery of health services and advocacy.[2] Common examples are CSOs like Doctors Without Borders or the Red Cross. They have delivered health services through the operating of hospitals and/or advocated for greater awareness and consideration of health-related issues regarding gender roles and sexual and reproductive health.

While the role of CSOs in delivering healthcare services has been primarily for countries that have less established welfare states,[3] geography matters and in a large, diverse country like Canada, advocacy groups have focused on advancing matters of a broader social interest.

For example, the gay rights movement in Canada found success less at the federal level of policy-making and more from Canada's judicial system and by focusing on challenging heteronormativity in certain social institutions like health and education at the local, urban level.[4] Miriam Smith notes:

> Because of the multiple diversities of Canadian society – the important role of Quebecois and Aboriginal nationalism, the accelerating pace of immigration into the three largest cities (Montreal, Toronto and Vancouver), the decentralized federal structure, the strength of regional diversity and the immense geography of a sparsely settled space – it is challenging to build country-wide social movements in Canada. In particular, movements that mobilize non-territorial political identities such as the lesbian and gay movement and the women's movement face particular obstacles to political mobilization, given the importance of provincial government jurisdictions and the extent of national and linguistic divisions.[5]

The phrase 'social movements' is instructive. Social movements are examples of less traditional actors now operating within the space of traditional civil society. Social movements are spontaneously organized (or unorganized) and fast moving around specific issues, usually based on values and interests. In many ways, they are collectivized and quasi- or fully-anonymous and impermanent. Through the use of digital technologies and platforms, those who are and/or feel marginalized and/or disempowered can have their voices heard and, as some of the literature review suggests, amplified exponentially.[6] An example of this is the #MeToo movement, which is impacting companies and governments on a global scale.[7]

Disintermediation - the process whereby traditional intermediaries become less utilized and replaced by direct-to-the-source interaction between producers and consumers - is exemplified through the rise of social media platforms as key sources of communication that are being used

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220476~theSitePK:228717,00.html, *The World Bank*, July 22, 2013. See also, *The Future Role of Civil Society*, World Economic Forum, January 2013, 8.

[2] Robert M. Hecht and Vito L. Tanzi, *Role of NGOs in the Delivery of Health Services in Developing Countries*, 1994.

[3] Ibid., 166.

[4] Miriam Smith, "Power of Institutions," in The Lesbian and Gay Movement and the State, 2011.

[5] Ibid, 2.

[6] For examples, see: *The Shattered Mirror: News, Democracy and Trust in the Digital Age,* Public Policy Forum, January 2017; Itai Himelboim, Stephen McCreery, and Marc Smith, "Birds of a Feather Tweet Together: Integrating Network and Content Analyses to Examine Cross-Ideology Exposure on Twitter," *Journal of Computer-Mediated Communication* 18*,* 2013.

[7] See, for example, Vidhi Doshi and Joanna Slater, "Indian government minister steps down as country's #MeToo movement gains traction," https://www.washingtonpost.com/world/asia_pacific/indian-government-minister-steps-down-as-countrys-metoo-movement-gains-traction/2018/10/17/51d55b48-d205-11e8-b2d2-f397227b43f0_story.html?utm_term=.d4f5d9882b50, *Washington Post*, October 17, 2018.

by players in civil society. As the recently released Shattered Mirror report notes, "the advent of computer-mediated networks of social communication amounts to profound structural changes" whereby traditional news agencies, especially at the local independent level, have entered a state of significant decline and existential crisis and that this threatens "civil discourse" and consequently democracy.[8]

Disintermediation has helped another actor enter into the space of civil society: what is referred to in the literature as 'uncivil society.' In contrast to social movements that work toward the empowerment of voices that view themselves as being unheard, 'uncivil society' includes actors that organize around far-right and anti-rights ideologies.[9] As such, a CIVICUS' 2018 report on the State of Civil Society argues these actors are diluting civil society and what is "need[ed is] greater clarity about what civil society is, does and believes in."[10]

It can be argued that the World Bank and traditional definitions of civil society referenced above are incomplete and do not reflect the reality of today. Civil society is more than organized actors, but made up of a complex network of organized and unorganized groups and individuals, some that are well established and others that are ad hoc and impermanent. The Center for Strategic and International Studies refers to civil society as an "ecosystem" and states:

> The global civil society ecosystem can be characterized as a complex and interconnected network of individuals and groups drawn from rich histories of associational relationships and interactions. Globally, the concept of civil society has evolved from these associational platforms to comprise a wide range of organized and organic groups of different forms, sizes, and functions.[11]

Thus, throughout this paper we shall use the term 'civil society ecosystem', of which organizations (CSOs) are considered a subset.

Governance and Civil Society

The IOG assess governance based upon who has power, who makes decisions, how other players make their voice heard, and how account is rendered. As the governance landscape changes, this "call[s] into question traditional understandings of power and accountability and even the role of the state in the Canadian polity."[12] Public sector services and programs have become increasingly distributed beyond the "traditional departmental or ministry model" to accomplish policy objectives of governments.[13] As the IOG has noted, two key reasons for this distributed governance approach in recent decades were (1) to be less constrained by big 'P' political interference and (2) to be more efficient than a typical centralized bureaucracy.[14] For reasons of legitimacy, efficiency, and, in some cases, socio-cultural stigmas (such as the reasons discussed above), CSOs have asserted themselves or been delegated into areas in which

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[8] Public Policy Forum, *The Shattered Mirror*, 27, 25, 79.

[9] *State of Civil Society Report 2018: Year in Review: Top Ten Trends*, CIVICUS, 2018.

[10] CIVICUS, 2018, 12. See, also, Silvia Magnoni, *How civil society must adapt to survive its greatest challenges*, World Economic Forum, April 23, 2018.

[11] *Concept and Definition of Civil Society Sustainability* https://www.csis.org/analysis/concept-and-definition-civil-society-sustainability Center for Strategic and International Studies, June 30, 2017.

[12] Institute on Governance, "Canadian governance in transition: Multilevel governance in the digital era, *Canadian Public Administration* 60:4, 2017, 606.

[13] *The Governance Continuum: Origins & Conceptual Construct: A Public Governance Exchange Working Paper*, Institute on Governance, March 2011, 2.

[14] Ibid, pp.2-3.

government and political leadership have not been able to operate alone and where private industry may be viewed as less legitimate. Similarly, the rise of social movements and 'uncivil society' may reflect an increasing view that traditional organizations, including CSOs, are, from a governance perspective, losing 'legitimacy'.

Key Drivers Disrupting Civil Society

Lack of trust is one of the six "critical driving forces reshaping civil society to 2030," as argued by the World Economic Forum.[15] The other five are:

- The level and sources of funding for civil society stakeholders;
- The social and political influence of increasing access to technology;
- The extent and type of citizen engagement with societal challenges;
- The state of global and regional geopolitical stability and global integration of markets;
- The effect of environmental degradation and climate change on populations[16]

As the literature review further suggests, trust in traditional institutions and intermediaries of knowledge has been partially replaced by the emergence of more aggressive and non-collaborative networks of actors. With the decline of traditional media outlets discussed above and their replacement by social media, people hear what they want to hear and less of what makes them challenge their own biases and opinions.[17] Research shows that "Twitter users are unlikely to be exposed to cross-ideological content from the clusters of users they followed, as these were usually politically homogeneous," and that localized sources of information like blogs are more likely to be shared than news from traditional sources.[18] Interestingly, higher level issues on the social media platform hold a more "conservative sentiment" than liberal.[19] While trust in Canadian institutions over the last two years has remained largely unchanged, "Canadians are skeptical of information sources following the rise of fake news and disinformation" although there has been "a renewed confidence in experts, notably academics, journalists and government officials."[20]

While we may not be experiencing governance challenges as drastically as in America, we remain and will continue to remain influenced by how citizens engage in a digital world. In using social media, CSOs must be wary of 'slacktivism' and 'clicktivism.'[21] These concepts articulate how civic engagement can be easy to attain at the level of support, but not at the levels of personal action and ownership to the cause that is necessary to advance political and social objectives. These types of civic engagement can "delude organizations into a false sense of power."[22] The question becomes: how can players in the civil society ecosystem not just get their

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[15] *The Future Role of Civil Society*, 19.

[16] Ibid.

[17] See: *The Shattered Mirror;* Himelboim, McCreery, and Smith; Marcus Foth, Martin Tomitsch, Christine Satchell, and M. Hank Haeusler, "From Users to Citizens: Some Thoughts on Designing for Polity and Civics," in *OzCHI '15 Proceedings of the Annual Meeting of the Australian Special Interest Group for Computer Human Interaction*, 2015.

[18] Himelboim, McCreery, and Smith, 154.

[19] Ibid.

[20] See, Edelman Trust Barometer: https://www.edelman.com/trust-barometer, Edelman, 2018.

[21] For examples, see: Foth, Tomitsch, Satchell, and Haeusler; Josh Greenberg and Maggie MacAulay, "NPO 2.0? Exploring the Web Presence of Environmental Nonprofit Organizations in Canada," *Global Media Journal – Canadian Edition* 2:1, 2009; and Jonathan Obar, "Canadian Advocacy 2.0: An Analysis of Social Media Adoption and Perceived Affordances by Advocacy Groups Looking to Advance Activism in Canada," *Canadian Journal of Communication* 39, 2014.

[22] Greenberg and MacAulay, 228. See, also, Mancur Olsen Jr., *The Logic of Collective Action: Public Goods and the Theory of Groups,* Harvard Economic Studies, 1965 and his discussion on small groups vs. large groups, and how small groups are better

messages across in an era of information overload, but how can the organizations incentivize supporters to act toward advancing their interests? "Can [civil society] offer more options than the usual array of petitioning, protesting, volunteering, and donating? Or, how can we improve the way that they are performed?"[23]

Furthermore, as the Secretary General of CIVICUS notes, "[a]s people connect and mobilize spontaneously, key actors (citizens, policy-makers, business) may question why we need institutionalized NGOs."[24] This brings into discussion another issue identified by the WEF and others: funding and resource constraints for CSOs. Could the perception become that social movements thereby remove the need for organized civil society and, consequently, the need to fund it?

As the WEF notes, one of the main concerns for CSOs is long-term funding and how it is "felt that, in this period of great uncertainty, resource competition is driving division, just when the sector would benefit from greater cohesion."[25] Governments' use of contracting for services can have huge impacts on CSOs, especially those that deliver services. It is viewed by some in the sector as a constant challenge to prove one's value through measuring outcomes and the "administrative burden" that this approach requires, particularly in a world that requires continuous adaptability and strategic forward-thinking.[26]

The Future and Civil Society

In a continuously disruptive environment, innovation becomes more essential. Taylor argues that organizations in the third sector "have a crucial role to play in exploring and experimenting with new and innovative organizational forms as a part of their creative societal function."[27] Part of this means for social movements "to develop beyond the vital role of challenging systems and institutions that are not sustainable – to become laboratories for new forms of organization."[28]

Thinking innovatively is suggested by Taylor to mean not allowing too much "private sector mandate creep" - or the adoption by non-profit organizations of focusing too narrowly on the funding problem.[29] What is at issue here is how civil society organizations in the ecosystem engage with one another, governments, citizens, other civil society actors, and the private sector.

In 2001, the Canadian Centre for Philanthropy interviewed a wide-range of CSOs through their Civil Society in Canada (CSC) questionnaire and found that not enough had been done by government to ensure appropriate "access to the executive and legislative levels of governments" for civil society organizations and that this was a crucial factor in ensuring they "have a real effect on government decisions."[30] There was a need for greater "organizational and

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able to act in the collective good while large, especially inclusive, groups are far less capable of furthering its "collective interests" without "selective incentives."

[23] Foth, Tomitsch, Satchell, and Haeusler, 8.

[24] Quoted in *The Future Role of Civil Society,* 18.

[25] *The Future Role of Civil Society,* 17.

[26] Ibid.

[27] James Taylor, "Crises in civil society organisations: opportunities for transformation," *Development in Practice* 26:5, 2016, 665. See, also, *The Future Role of Civil Society,* 5.

[28] Taylor, 668.

[29] CIVICUS, 2018, 14.

[30] Don Embuldeniya, "Exploring the Health, Strength, and Impact of Canada's Civil Society," *Canadian Centre for Philanthropy*, July 2001, 19.

regulatory" mechanisms for interaction and engagement between the public sector and civil society.[31]

Government is not the only sector that has a part to play in enabling the civil society ecosystem. The private sector should support it in advancing socially-responsible outcomes, partially as a means of maintaining its own legitimacy and trust with citizens particularly at the local, community level.[32] As was witnessed at the height of the #MeToo Movement, the private sector did have a role to play in holding men in power accountable for involvement in sexual harassment and/or sexual assault.

But, what role does or should the private sector have in the civil society ecosystem? One of the challenges posed by economic globalization is that transnational companies are blurring the lines of jurisdictional authority. Companies that operate ethically and in accordance with laws are competing with and, in some cases, being "undercut by unscrupulous companies combing the planet for the cheapest labour or lowest corporation tax, and when there are few weak legal or regulatory obligations."[33] The issue here for the civil society ecosystem is how to impact decision-making and hold others accountable in a globalized world, in which companies can simultaneously operate in jurisdictions that have very different laws that may allow them to continue to operate unethically. One could argue that civil society has an obligation, as do democratic governments, to hold these corporations to account or risk further deteriorating trust in institutions not just by citizens within those countries, but also within democratic countries like Canada. Part of this approach could be by allying with, supporting, and enabling companies that do operate ethically.

This approach is made easier with globalization and digital technologies, allowing the civil society ecosystem to have a larger network to accomplish cross-sectoral relationship-building, expand their membership, and develop a larger sphere of influence. As the WEF has noted in relating specifically to CSOs, their roles have become more complex and collaborative, including serving as watchdogs, advocates, service providers, policy and strategic experts, capacity builders, incubators of ideas, representatives of marginalized and under-represented groups, citizenship champions, solidarity supporters of fundamental and universal values, and definers of standards.[34] By occupying roles that the public and private sectors have missed or delegated responsibility for, and by using their networking ability to mobilize others, CSOs have been able to influence the "broader governance system" through formal and informal mechanisms.[35] Sometimes these informal mechanisms become formalized.

One example of this is the response of the civil society ecosystem to Canadian transnational mining companies. Canada has roughly 60% of the world's mining companies located within its borders and, over the recent decades, many human rights issues and complaints have emerged.[36] As such, the Government of Canada in January 2018 created the Canadian Ombudsperson for Responsible Enterprise (CORE) replacing the Extractive Sector Corporate Social Responsibility (CSR) Counsellor as an independent officer and the first of its kind in the

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[31] Ibid, 20.

[32] Ibid, 36.

[33] *CIVICUS State of Civil Society Report 2017: Thematic Overview: Civil Society and the Private Sector*, CIVICUS, 2017, 10.

[34] *The Future Role of Civil Society,* 9.

[35] Ibid, 11.

[36] Marco Chown Oved, "Ottawa creates office to investigate human rights abuses linked to Canadian companies abroad," https://www.thestar.com/news/canada/2018/01/17/ottawa-creates-office-to-investigate-human-rights-abuses-linked-to-canadian-companies-abroad.html, *Toronto Star*, January 17, 2018.

world. Its purpose is to investigate human rights abuses and it differs from the previous body in that the CSR Counsellor had to have permission from private industry to investigate. This announcement includes an Advisory Body on Responsible Business Conduct that will include "members from diverse backgrounds including civil society and industry" with the aim of "advis[ing] government on the effective implementation and development of its laws, policies and practices related to responsible business conduct by Canadian companies operating abroad in all sectors" although initially focusing on the mining sector.[37]

CORE and the Advisory Body's creation comes after an 11 year campaign by civil society actors called the Canadian Network on Corporate Accountability (CNCA). This network included a diverse range of players who seemingly did not have common interests or paths, but organized to support greater corporate accountability and to address systemic human rights abuses by Canadian companies abroad. Members range from human rights organizations to labour unions to faith-based organizations, including the British Columbia Teachers' Federation, the Asia-Pacific Working Group, Amnesty International Canada, the Canadian Union of Public Employees, and Canadian Jesuits International.[38] As Canadian mining companies deal heavily with indigenous groups in Latin America and in Canada, CORE has a part to play in the Government of Canada's reconciliation with Indigenous peoples.[39]

Another example of cross-sectoral collaboration is the recently signed Toronto Declaration,[40] a civil society initiative to ensure social interests and human rights are not neglected in a fast-paced digitally disruptive world. The Declaration, signed by Amnesty International, Access Now, Human Rights Watch, and the Wikimedia Foundation, seeks to hold governments and the private sector responsible for protecting human rights as artificial intelligence and machine learning begin to take a more pronounced role in many different areas of society and the economy.[41] It will require further engagement with other members of civil society, governments, and the private sector (especially the tech sector) to ensure that the Declaration is taken seriously. However, it is a necessary step forward to ensure that existing international laws and standards are respected and organizations are held accountable, particularly as machine learning systems become more prevalent in the delivery of services, access to information and knowledge, and the replacement of tasks in many different occupations.

Conclusion

As the WEF has noted, the three main sectors of governance – public, private, and the third (civil society) sectors – are experiencing the blurring of roles and responsibilities. In this new

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[37] *Advancing Canada's Approach on Responsible Business Conduct Abroad* https://www.canada.ca/en/global-affairs/news/2018/01/advancing_canadasapproachonresponsiblebusinessconductabroad.html, Global Affairs Canada, January 17, 2018.

[38] See CNCA webpage, "Our members," http://cnca-rcrce.ca/about-us/our-members/, Canadian Network on Corporate Accountability, 2018.

[39] See, for example: *Opportunities - Selection Processes* https://appointments.gc.ca/slctnPrcs.asp?menu=1&lang=eng&SelectionProcessId=4CC0AB04-7F58-4E47-97D5-F05D15B5BFB9, Government of Canada, May 31, 2018.

[40] See, *The Toronto Declaration: Protecting the rights to equality and non-discrimination in machine learning systems*," https://www.accessnow.org/the-toronto-declaration-protecting-the-rights-to-equality-and-non-discrimination-in-machine-learning-systems/, Access Now, accessnow.org, 2018.

[41] See *Human Rights for The Age of Artificial Intelligence: Amnesty International and Access Now Launch The Toronto Declaration For Equality In Machine Learning*, https://www.amnesty.ca/news/human-rights-age-artificial-intelligence-amnesty-international-and-access-now-launch-toronto, Amnesty International (May 16, 2018).

governance landscape, civil society plays an important "enabling role." At the same time, the traditional thinking of civil society is expanding to include social movements and other, less formalized arrangements of social engagement. Through working with governments, the civil society ecosystem contributes to "a fundamental part of the democratic system" and public policy with its focus on the "public interest" that allows it to serve as "an enabler of and catalyst for cross-sector change." Furthermore, by working with the private sector, civil society brings added "legitimacy, assets and intelligence" combined with a more grassroots and organic connection to the community and the value that they contribute. [42]

Moving beyond the traditional zones of public policy may impact "legitimacy and effectiveness," which are foundational to a proper functioning governance arrangement.[43] With the advent of digital and emerging technologies and changing citizen expectations, people now not only expect to be involved in decision-making, but they expect things more quickly. Governments do not have a monopoly on information nor can they assume the decisions they make will be considered legitimate simply by nature of its status. Perhaps if they genuinely engage, and collaborate with, diverse interests within the civil society ecosystem at the beginning and keep them engaged throughout the decision-making process, they could be better stewards of the public interest.

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[42] *The Future Role of Civil Society,* 10-11.
[43] IOG, *Governance in transition*, 2017, 618.